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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,729	09/19/2005	Per-Ola Vallebrant	2802-521-002 US	4779

24045 7590 08/03/2007  
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EXAMINER
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KERSHTEYN, IGOR

ART UNIT	PAPER NUMBER
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3745

MAIL DATE	DELIVERY MODE
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08/03/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/549,729	VALLEBRANT, PER-OLA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Igor Kershteyn	3745	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 6-8 is/are rejected.
- 7) ☒ Claim(s) 3-5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____                                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____   | 6) <input type="checkbox"/> Other: ____                           |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Murata (4,051,764).

In figure 1, Murata teaches an arrangement for controlling a hydraulically driven motor 25, forming part of a hydraulic system in which hydraulic fluid under pressure forms a main flow through a main duct 27,28 in which the motor is connected, the motor being adapted to drive a load with varying loading, and one or more valves being adapted for controlling the hydraulic fluid flow through the motor on the one hand during operation and on the other hand for starting and stopping of the motor, characterized in that one of the valves consists of a flow control valve 32,33 which is connected in the main duct downstream of the motor and is adapted for on the one hand starting/stopping of the motor and on the other hand constant flow control of the hydraulic fluid flow through the motor.

Claims 1, 2, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Guttman (4,364,827).

In figure 2, Guttman teaches an arrangement for controlling a hydraulically driven motor 26, forming part of a hydraulic system in which hydraulic fluid under pressure forms a main flow through a main duct 28 in which the motor is connected, the motor being adapted to drive a load with varying loading, and one or more valves being adapted for controlling the hydraulic fluid flow through the motor on the one hand during operation and on the other hand for starting and stopping of the motor, characterized in that one of the valves consists of a flow control valve 78 which is connected in the main duct downstream of the motor and is adapted for on the one hand starting/stopping of the motor and on the other hand constant flow control of the hydraulic fluid flow through the motor.

Claims 1, 2, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Iquima (3,543,646).

In figures 1 and 2, Iquima teaches an arrangement for controlling a hydraulically driven motor 7, forming part of a hydraulic system in which hydraulic fluid under pressure forms a main flow through a main duct (not numbered) in which the motor is connected, the motor being adapted to drive a load with varying loading, and one or more valves being adapted for controlling the hydraulic fluid flow through the motor on the one hand during operation and on the other hand for starting and stopping of the motor, characterized in that one of the valves consists of a flow control valve (not numbered) which is connected in the main duct downstream of the motor and is

adapted for on the one hand starting/stopping of the motor and on the other hand constant flow control of the hydraulic fluid flow through the motor.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guttman (4,364,827) in view of Headings (2,884,902).

Guttman teaches all the claimed subject matter except that he doesn't teach the load consists of a saw in a sawing unit.

Headings in figure 7, teaches a power arrangement for a hydraulic motor loaded with a load consisting of a saw in a sawing unit.

Since Guttman and Headings are analogous art because they are from the same field of endeavor, that is the hydraulic power tools art, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to use the arrangement of Guttman with the load consists of a saw in a sawing unit as taught by Headings for the purpose of sawing materials.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iquima (3,543,646).

Iquima teaches all the claimed subject matter except that he doesn't teach the flow control valve is integrated with a motor housing.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make a motor and a valve integral because it would have been common practice, which normally require only ordinary skill in the art and which is mere integration of parts and thus has no patentable significance unless a new and unexpected result is produced. See MPEP 2144.04.

#### ***Allowable Subject Matter***

Claims 3-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Prior Art***

Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consist of three patents.

Yoshida et al. (6,026,730) is cited to show an arrangement for controlling a hydraulically driven motor, and one or more valves being adapted for controlling the hydraulic fluid flow through the motor on the one hand during operation and on the other hand for starting and stopping of the motor, characterized in that one of the valves consists of a flow control valve which is connected in the main duct downstream of the

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motor and is adapted for on the one hand starting/stopping of the motor and on the other hand constant flow control of the hydraulic fluid flow through the motor.

Roche (6,244,158) is cited to show an arrangement for controlling a hydraulically driven motor, and one or more valves being adapted for controlling the hydraulic fluid flow through the motor on the one hand during operation and on the other hand for starting and stopping of the motor, characterized in that one of the valves consists of a flow control valve which is connected in the main duct downstream of the motor and is adapted for on the one hand starting/stopping of the motor and on the other hand constant flow control of the hydraulic fluid flow through the motor.

Heusser (6,220,027) is cited to show an arrangement for controlling a hydraulically driven motor, and one or more valves being adapted for controlling the hydraulic fluid flow through the motor on the one hand during operation and on the other hand for starting and stopping of the motor, characterized in that one of the valves consists of a flow control valve which is connected in the main duct downstream of the motor and is adapted for on the one hand starting/stopping of the motor and on the other hand constant flow control of the hydraulic fluid flow through the motor.

### ***Contact information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kershteyn whose telephone number is **(571)272-4817**. The examiner can be reached on Monday-Friday from 8:00 a.m. to 4:30 p.m.

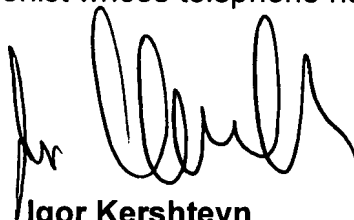
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached on **(571)272-4820**. The fax number is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308 0861.

IK

July 31, 2007

A handwritten signature in black ink, appearing to read 'Igor Kershteyn', with a stylized, cursive script.

IGOR KERSHTEYN  
PRIMARY EXAMINER

Igor Kershteyn  
Primary Patent examiner.  
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